

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

AMBER J. WILLIAMS,

Plaintiff,

vs.

CANDICE OSTERMAN, et al.,

Defendants.

CV 20-23-H-DLC-JTJ

**ORDER, and FINDINGS
AND RECOMMENDATIONS**

By Order dated June 21, 2021, the Court informed Plaintiff Amber Williams (Williams) that she had up to and including July 12, 2021, to either serve Defendants Candice Osterman, Emily McVey, Jake Westerhold, AYA Youth Dynamics Group Home (AYA), AYA staff member Chris (last name unknown), AYA staff member Kevin (last name unknown), Deanna Lougee, Heather Crane and Karen Galvin with process, or inform the Court that she would like the United States Marshals Service to complete service of process on these Defendants. (Doc. 43 at 3). The Court further informed Williams that if she failed to comply with the Order, the Court would recommend that all claims against these Defendants be dismissed under Fed. R. Civ. P. 4(m). (Doc. 43 at 3-4).

Williams has informed the Court that she would like the United States Marshals Service to complete service of process on the following eight

Defendants: Candice Osterman, Emily McVey, Jake Westerhold, AYA Youth Dynamics Group Home, Kevin Hansen, Deanna Lougee, Heather Crane and Karen Galvin. (*See Docs. 47-58, 55*). The record reflects that Williams has not served the Defendant referred to in the Complaint as “AYA staff member Chris (last name unknown)” with process, and Williams has made no request that service be completed by the United States Marshals Service. The Court will therefore recommend that all claims against Defendant AYA staff member Chris (last name unknown) be dismissed.

Based on the foregoing, the Court issues the following:

ORDER

1. The Clerk of Court shall issue Summons for the following Defendants: Candice Osterman, Emily McVey, Jake Westerhold, AYA Youth Dynamics Group Home, Kevin Hansen, Deanna Lougee, Heather Crane and Karen Galvin.

2. The Clerk of Court shall provide the following documents to the United States Marshals Service:

- a. the Summons;
- b. the Complaint (Doc. 2);

- c. Documents 47, 47-1, 48, 48-1, 49, 49-1, 50, 50-1, 51, 51-1, 52, 52-1, 53, 53-1, 54, and 54-1; and
- d. this Order.

3. The United States Marshals Service shall serve the eight Defendants listed below at the following addresses provided by Williams. The documents to be provided to each Defendant are described below.

- a. Candice Osterman
4770 1700 Road E
Chester, Montana 59522

Documents to be provided: the Summons, the Complaint, Doc. 49, Doc. 49-1 and this Order.

- b. Emily McVey
2230 Wilder Avenue
Helena, Montana 59602

Documents to be provided: the Summons, the Complaint, Doc. 50, Doc. 50-1 and this Order.

- c. Jake Westerhold
P.O. Box 2143
East Helena, Montana 59635

Documents to be provided: the Summons, the Complaint, Doc. 48, Doc. 48-1 and this Order.

- d. AYA Youth Dynamics Group Home
105 Venture Way
Boulder, Montana 59632

Documents to be provided: the Summons, the Complaint, Doc. 53, Doc. 53-1 and this Order.

- e. Kevin Hansen
3 Rodems Lane
Jefferson City, Montana 59638
or
105 Venture Way
Boulder, Montana 59632

Documents to be provided: the Summons, the Complaint,
Doc. 54, Doc. 54-1 and this Order.

- f. Deanna Lougee
1130 Star Road
Helena, Montana 59602
or
111 N. Rodney Street
Helena, Montana 59601

Documents to be provided: the Summons, the Complaint,
Doc. 52, Doc. 52-1 and this Order.

- g. Heather Crane
2806 Walnut Street
Butte, Montana 59701

Documents to be provided: the Summons, the Complaint,
Doc. 47, Doc. 47-1 and this Order.

- h. Karen Galvin
243 Meadow View Drive
Butte, Montana 59701
or
4421 Tanager Trail
Broomfield, Colorado 80023

Documents to be provided: the Summons, the Complaint,
Doc. 51, Doc. 51-1 and this Order.

The United States Marshals Service may attempt to serve the Defendants by certified mail. However, if an attempt to serve a Defendant by certified mail is unsuccessful, the United States Marshals Service must attempt to personally serve the Defendant. Service must be completed on or before September 24, 2021.

4. The United States Marshals Service shall submit a report to the Court regarding the status of service on or before September 29, 2021. If service on a particular Defendant is not possible, the United States Marshals Service shall explain the circumstances.

5. The motion hearing previously set for July 28, 2021, is VACATED. The Court will re-schedule the hearing upon receipt of the United States Marshals Service's report.

6. At all times during the pendency of this action, Williams shall immediately advise the Court and opposing counsel of any change in her address. Failure to file a notice of change of address may result in the dismissal of this action under Fed. R. Civ. P. 41(b) for failure to prosecute.

Further, the Court issues the following:

RECOMMENDATION

1. All claims against Defendant AYA staff member Chris (last

name unknown) should be DISMISSED without prejudice under Fed. R. Civ. P. 4(m).

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

DATED this 22nd day of July, 2021.



John Johnston
United States Magistrate Judge